

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2606 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL
and
Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

JAGRUT SHRAMIK SEVA SANGH

Versus

A M C

Appearance:

MR BHUSHAN B OZA for Petitioners
MR PRASHANT G DESAI for Respondent No. 1
Mr.D.N. Patel, ASSTT. GOVERNMENT PLEADER for
Respondent No. 2, 3

CORAM : MR.JUSTICE B.C.PATEL
and
MR.JUSTICE R.R.TRIPATHI

Date of decision: 06/11/2000

ORAL JUDGEMENT (Per : MR.JUSTICE B.C.PATEL)

The petitioners have filed this petition with
several prayers, but the sum and substance is that they
should be permitted to carry on their business through

larri gallas at a place near S.T. Bus Stand in the city of Ahmedabad. The petitioners have also prayed that the respondents be restrained from interfering with the possession of the place which they are in occupation for carrying on the business carried on by them with the respective larries and gallas. The petition was filed in 1983 and thereafter several petitions have been filed in this High Court as well as in the Apex Court. Special Civil Applications Nos.2584 of 1980 and 2635 of 1980 along with several other matters from Ahmedabad City, Vadodara City and Surat City were heard and disposed of by a common judgement dated 23.12.1985, by the Division Bench of this Court. In those petitions some of the petitioners were larrigallawallas and Patharanaswallas. It was pointed out to the Division Bench that while dismissing Special Leave Petition No.30 of 1981 with other matters and Writ Petition No.33 of 1981 with other matters on 21.2.1981, the Apex Court had directed the Ahmedabad Municipal Corporation to frame appropriate rules for disposal and return of goods and articles dealt with under section 231(c) of the Bombay Provincial Municipal Corporations Act and the rules framed thereunder. It was further pointed out that the scheme has been framed by the Ahmedabad Municipal Corporation and also by the other Corporations in view of the directions issued by the Division Bench earlier. The respondent Corporation was directed to evolve a scheme with such modifications as may be necessary having regard to all the conditions on the lines of the scheme as modified and approved by the Supreme Court in Bombay Hawkers Union v. Bombay Municipal Corporation, reported in (1985) 3 SCC 528. Within a period of three months, a final scheme was required to be framed in view of the directions given by the Court, which came to be prepared on or about 9.4.1986. The Apex Court by an order dated 28.7.1986 directed to examine the scheme framed by the Ahmedabad Municipal Corporation and in view of the directions given by the Apex Court, the Division Bench heard the learned advocates appearing in the matter and delivered a detailed judgement dated April 22, 1987. On 7.12.1987, the Division Bench heard the matter again in view of the directions given by the Apex Court.

The respondents have placed copies of the aforesaid judgements on the record.

Suggestions made by the learned advocates representing the cases of larriwallas, etc. were considered and a detailed order was made by the Division Bench. Thereafter, again the matter was carried to the Apex Court, not once but twice. Thereafter, on 6.2.1988, the

Court disposed of some matters in view of the scheme approved by the Apex court. The scheme approved by the Apex court is now in force. It seems that after the matter was admitted by the learned Single Judge, attention of the Court was not drawn subsequently about the orders made by the Court in subsequent matters. It goes without saying that the Corporation is required to act strictly in accordance with the scheme approved by the Apex Court.

2. The petition, therefore, is not required to be entertained any further. Rule is discharged. Ad interim relief granted earlier stands vacated.

(B.C. Patel, J.)

6th November 2000 (Ravi R. Tripathi, J.)

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